

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

Gloria L. Franklin
Clerk of Court

FILED

San Francisco Bankruptcy Court
235 Pine St.
P.O. Box 7341
San Francisco, CA 94120-7341

(415) 268-2500 ^{5:56} Filing

07 OCT 22 AM 11:32

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Richard W. Wieking, Clerk
United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

FILED

OCT 16 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

(11)
422

SF CW

Re: *Richard L. Hatfield*
Bk No. 07-30031 TEC (Chapter 7)
Bankruptcy Judge Thomas E. Carlson

C 07 5373 CW

Dear Mr. Wieking:

We are transmitting the following documents to your court:

☒ Enclosed please find copies of **Notice of Appeal** and **Statement of Election to District Court** filed on 10/14/2007 and **Court Certificate of Mailing** in the above bankruptcy case.

☒ Enclosed please find the certified docket report and a copy of the order that is being appealed.

☐ Enclosed please find the record of designated items and a certificate of record for an appeal that has been previously sent to the district court.

☐ Enclosed please find the copies of pleadings in amended designation of record for an appeal that has been previously sent to the district court.

Please acknowledge receipt of the enclosed documents with the District Court case number on the copy of this letter and return it to *U.S. Bankruptcy Court, San Francisco Division*.

Gloria L. Franklin, Clerk
United States Bankruptcy Court

Dated: October 16, 2007

By: *Michelle Walker*
Michelle Walker, Deputy Clerk

DISMISSED, APPEAL

**U.S. Bankruptcy Court
Northern District of California (San Francisco)
Bankruptcy Petition #: 07-30031
Internal Use Only**

E-Filing**CW**

Assigned to: Judge Thomas E. Carlson
Chapter 7
Involuntary
No asset

Date Filed: 01/09/2007
Date Dismissed: 06/26/2007

Debtor

Richard L. Hatfield
32 Echo Lane
Redwood City, CA 94062
SSN: 478-76-7605

C 07-5373
represented by **John A. Macdonald**
Law Offices of Macdonald and Assoc.
2 Embarcadero Center #1670
San Francisco, CA 94111-3930
(415) 362-0449
Email: mac@macdonaldlawsf.com

Petitioning Creditor

First Trust Corporation FBO Richard L. Spees
6933 Wilton Drive
Oakland, CA 94611
Tax id: 84-0519832



represented by **Elizabeth Berke-Dreyfuss**
Wendel, Rosen, Black and Dean
1111 Broadway 24th Fl.
P.O. Box 2047
Oakland, CA 94604-2047
(510) 834-6600
Email: edreyfuss@wendel.com

Michael D. Cooper
Wendel, Rosen, Black and Dean
1111 Broadway 24th Fl.
P.O. Box 2047
Oakland, CA 94604-2047
(510) 834-6600
Email: mcooper@wendel.com

Petitioning Creditor

First Trust Corporation FBO J.D. Erickson
46 Oak Trail Court
Alamo, CA 94507
Tax id: 84-0519832

represented by **Elizabeth Berke-Dreyfuss**
(See above for address)

Michael D. Cooper
(See above for address)

Petitioning Creditor

George Rnjak
3920 Heathfield Place
Santa Rosa, CA 95404
SSN: 545-45-5826

represented by **Elizabeth Berke-Dreyfuss**
(See above for address)

Michael D. Cooper
(See above for address)

Petitioning Creditor

Jennifer M. Moore
355 North Wolfe Rd. #531
Sunnyvale, CA 94085

represented by **James H. Seymour**
Law Offices of James H. Seymour
706 Cowper St.
Palo Alto, CA 94301
(650) 323-7226
Email: js Seymourlaw@yahoo.com

Petitioning Creditor

Carey & Carey
706 Cowper St.
Palo Alto, CA 94301

represented by **James H. Seymour**
(See above for address)

Petitioning Creditor

Ricardo C. Saria
P.O. Box 1738
Palo Alto, CA 94302-1738

represented by **James H. Seymour**
(See above for address)

UNITED STATES BANKRUPTCY COURT
Northern District of California
I certify that this is a true, correct and full copy
of the original document on file in my custody.
Dated 10/16/07
by Michelle Hanan
Deputy Clerk

U.S. Trustee
Office of the U.S. Trustee / SF
Office of the U.S. Trustee
235 Pine Street
Suite 700
San Francisco, CA 94104
(415) 705-3333

Filing Date	#	Docket Text
01/09/2007	1	Chapter 7 Involuntary Petition. Fee Amount \$299. Filed by Petitioning Creditor (s) First Trust Corporation FBO Richard L. Spees (attorney Michael D. Cooper), First Trust Corporation FBO J.D. Erickson (attorney Michael D. Cooper), George Rnjak (attorney Michael D. Cooper) (Cooper, Michael) (Entered: 01/09/2007)
01/09/2007		Receipt of filing fee for Involuntary Petition (Chapter 7)(07-30031) [misc,invol7] (299.00). Receipt number 3896266, amount \$ 299.00 (U.S. Treasury) (Entered: 01/09/2007)
01/09/2007	2	Document: <i>Summons to Debtor in Involuntary Case (To Be Issued)</i> . (RE: related document(s) 1 Involuntary Petition (Chapter 7), Involuntary Petition (Chapter 7)). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Cooper, Michael) (Entered: 01/09/2007)
01/11/2007		**COURT ENTRY** As In the Related Case #07-30030, Two of Petitioning Creditors' Names On The System Do Not Match Those On The Pdf. Court Contacted Attorney's Office and Was Told That Attorney Prefers The Way The Names Were Entered. Court Will Prepare The Standardized "Sommmons and Notice of Status Conference In Involuntary Case". (RE: related document(s) 1 Involuntary Petition (Chapter 7), 2 Document,). (ql,) (Entered: 01/11/2007)
01/11/2007	3	Order Transferring Case (RE: related document(s) 1 Involuntary Petition (Chapter 7)) filed by Petitioning Creditor First Trust Corporation FBO Richard L. Spees, Petitioning Creditor First Trust Corporation FBO J.D. Erickson, Petitioning Creditor George Rnjak, Debtor Richard L. Hatfield. (ql,) (Entered: 01/11/2007)
01/11/2007	4	Judge Thomas E. Carlson added to case. Involvement of Judge Dennis Montali Terminated . (ql,) (Entered: 01/11/2007)
01/11/2007	5	Involuntary Summons and Notice To Debtor Of Status Conference In Voluntary Case Issued on Richard L. Hatfield . (ql,) (Entered: 01/11/2007)
01/11/2007	6	Hearing Set On (RE: related document(s) 5 Involuntary Summons Issued). Status Conference to be held on 1/22/2007 at 09:30 AM at San Francisco Courtroom 23 - Carlson. (ql,) (Entered: 01/11/2007)
01/12/2007	6	Summons Service Executed in an Involuntary Case on Richard L. Hatfield 1/12/2007, Answer Due 02/01/2007 Filed by First Trust Corporation FBO J.D. Erickson ; First Trust Corporation FBO Richard L. Spees ; George Rnjak (Cooper, Michael) (Entered: 01/12/2007)
01/13/2007	7	BNC Certificate of Mailing - Reassignment of Case. (RE: related document(s) 4 Case Reassignment). Service Date 01/13/2007. (Admin.) (Entered: 01/13/2007)
01/13/2007	8	BNC Certificate of Mailing (RE: related document(s) 3 Order,). Service Date 01/13/2007. (Admin.) (Entered: 01/13/2007)
01/18/2007	9	Notice of Appearance and Request for Notice by Michael St. James Filed by Creditor T. Dale & Mariann Sheldon (Attachments: # 1 Certificate of Service) (St. James, Michael) (Entered: 01/18/2007)
01/19/2007	10	Notice of Appearance and Request for Notice by Raymond A. Policar Filed by Creditor Bank Of Stockton (Attachments: # 1 Certificate of Service) (Policar, Raymond) (Entered: 01/19/2007)
01/22/2007	11	Courtroom Hearing Continued (gh,) (Entered: 01/22/2007)
01/26/2007	12	Courtroom Hearing Continued (gh,) (Entered: 01/26/2007)
01/29/2007	13	Adversary case 07-03011. 01 (Determination of removed claim or cause), 14 (Recovery of money/property - other), 31 (Approval of sale of property of estate and of a co-owner - 363(h)), 02 (Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy)) Complaint by Jennifer M. Moore , Alliance Financial Capital, Inc., et al against Richard L. Hatfield , Alliance Financial Capital Holdings, Inc. , Jennifer M. Moore, et al . Notice of removal of previously consolidated actions(From Superior Court, State of California, County of San

Mateo. Fee Amount \$250 . (ac,) (Entered: 01/29/2007)

01/29/2007	<u>12</u>	Request for Notice Filed by Creditor Jacqueline Jackson (Kuhner, Chris) (Entered: 01/29/2007)
01/29/2007	<u>13</u>	Request for Notice Filed by Creditor David and Jacqueline Fenton (Kuhner, Chris) (Entered: 01/29/2007)
02/01/2007	<u>14</u>	Answer to Complaint by <i>Alleged Debtor</i> Filed by Richard L. Hatfield. (Attachments: # <u>1</u> Certificate of Service to Answer to Involuntary Petition) (Macdonald, Iain) ***THIS IS AN ANSWER TO INVOLUNTARY PETITION. **** Modified on 2/2/2007 (ql,) (Entered: 02/01/2007)
02/02/2007	<u>15</u>	**ERROR** Wrong Event Code Selected, So The Docket Reflects "Answer to Complaint" Which Is Incorrect. Attorney Should Use "Answer" Under "Bankruptcy" And Click "Involuntary Answer". (RE: related document(s) <u>14</u> Answer to Complaint). (ql,) (Entered: 02/02/2007)
02/02/2007	<u>16</u>	Courtroom Hearing Held (Court to do order.)(gh,) (Entered: 02/02/2007)
02/02/2007	<u>17</u>	Order Suspending Involuntary Bankruptcy Proceedings (RE: related document(s) <u>1</u> Involuntary Petition (Chapter 7) filed by Petitioning Creditor First Trust Corporation FBO Richard L. Spees, Petitioning Creditor First Trust Corporation FBO J.D. Erickson, Petitioning Creditor George Rnjak). (ql,) (Entered: 02/02/2007)
02/02/2007	<u>18</u>	Hearing Set On (RE: related document(s) <u>15</u> Order). Status Conference to be held on 2/12/2007 at 10:00 AM at San Francisco Courtroom 23 - Carlson. (ql,) (Entered: 02/02/2007)
02/04/2007	<u>19</u>	BNC Certificate of Mailing (RE: related document(s) <u>15</u> Order,). Service Date 02/04/2007. (Admin.) (Entered: 02/04/2007)
02/07/2007	<u>20</u>	Request for Notice Filed by Creditor eCAST Settlement Corporation. (Weisman, Gilbert) (Entered: 02/07/2007)
02/12/2007	<u>21</u>	Courtroom Hearing Continued (Can be moved by parties.)(gh,) (Entered: 02/12/2007)
02/12/2007	<u>22</u>	Order Setting Continued Status Conference. . (ql,) (Entered: 02/12/2007)
02/14/2007	<u>23</u>	BNC Certificate of Mailing (RE: related document(s) <u>18</u> Order for Status Conference). Service Date 02/14/2007. (Admin.) (Entered: 02/14/2007)
02/22/2007	<u>24</u>	Status Conference Statement (RE: related document(s) <u>18</u> Order for Status Conference). Filed by Creditor Jennifer M. Moore (Seymour, James) (Entered: 02/22/2007)
02/26/2007	<u>25</u>	Hearing Continued . (Status Conference to be heard on 3/12/07 at 11:30 AM). (gh,) (Entered: 02/26/2007)
02/27/2007	<u>26</u>	Order Continuing Suspension of Proceedings and Setting Continued Status Conference. (RE: related document(s) <u>1</u> Involuntary Petition (Chapter 7)). Status Conference to be held on 3/9/2007 at 9:30 AM San Francisco Courtroom 23 - Carlson for [], (ql,) (Entered: 02/27/2007)
03/01/2007	<u>27</u>	BNC Certificate of Mailing (RE: related document(s) <u>21</u> Order to Continued Hearing,). Service Date 03/01/2007. (Admin.) (Entered: 03/02/2007)
03/02/2007	<u>28</u>	Order Correcting Time and Date Of Continued Status Conference(RE: related document(s) <u>21</u> Order to Continued Hearing, Hearing Set). Status Conference to be held on 3/12/2007 at 11:30 AM San Francisco Courtroom 23 - Carlson for [], (ql,) (Entered: 03/02/2007)
03/04/2007	<u>29</u>	BNC Certificate of Mailing (RE: related document(s) <u>23</u> Order to Continued Hearing). Service Date 03/04/2007. (Admin.) (Entered: 03/04/2007)
03/08/2007	<u>30</u>	Status Conference Statement (RE: related document(s) <u>23</u> Order to Continued Hearing). Filed by Creditor Jennifer M. Moore (Attachments: # <u>1</u> Exhibit Ex A - Proposed Settlement Terms) (Seymour, James) (Entered: 03/08/2007)
03/12/2007	<u>31</u>	Courtroom Hearing Continued (Court to do order.)(gh,) (Entered: 03/12/2007)
03/13/2007	<u>32</u>	Amended Order Continuing Suspension of Proceedings and Setting Continued Status Conference. (RE: related document(s) <u>23</u> Order to Continued Hearing, Hearing Set). Status Conference to be held on 5/11/2007 at 11:00 AM San Francisco Courtroom 23 - Carlson for [], (ql,) (Entered: 03/13/2007)
03/15/2007	<u>33</u>	BNC Certificate of Mailing (RE: related document(s) <u>26</u> Order to Continued Hearing,). Service Date 03/15/2007. (Admin.) (Entered: 03/15/2007)

03/29/2007	●	Disposition of Adversary 07-3011. (ac,) (Entered: 03/29/2007)
03/29/2007	●	Adversary Case Closed 07-3011. (ac,) (Entered: 03/29/2007)
05/08/2007	●28	Notice of Continued Hearing of Status Conference (RE: related document(s)26 Amended Order Continuing Suspension of Proceedings and Setting Continued Status Conference. (RE: related document(s)23 Order to Continued Hearing, Hearing Set). Status Conference to be held on 5/11/2007 at 11:00 AM San Francisco Courtroom 23 - Carlson for [], (ql,)). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Certificate of Service) (Cooper, Michael) (Entered: 05/08/2007)
05/09/2007	●	Hearing Continued (RE: related document(s)28 Notice of Continued Hearing, Hearing Set). Status Conference to be held on 5/18/2007 at 11:00 AM San Francisco Courtroom 23 - Carlson for [], (ql,) (Entered: 05/09/2007)
05/09/2007	●	**ERROR** Continued Status Conference Not Updated. Court Corrected. (RE: related document(s)28 Notice of Continued Hearing). (ql,) (Entered: 05/09/2007)
05/09/2007	●29	Order Continuing Status Conference (RE: related document(s)28 Notice of Continued Hearing filed by Petitioning Creditor First Trust Corporation FBO Richard L. Spees, Petitioning Creditor First Trust Corporation FBO J.D. Erickson, Petitioning Creditor George Rnjak). (ql,) (Entered: 05/09/2007)
05/11/2007	●30	BNC Certificate of Mailing (RE: related document(s)29 Order,). Service Date 05/11/2007. (Admin.) (Entered: 05/11/2007)
05/18/2007	●	Courtroom Hearing Continued (RE: Hearing Set - related document(s) []) (Continued to 6/22/2007 10:30 AM at San Francisco Courtroom 23 - Carlson) (gh,) (Entered: 05/18/2007)
05/25/2007	●31	Motion to Dismiss/Withdraw Document <i>Involuntary Petitions</i> Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Exhibit A# 2 Declaration of Richard Hatfield# 3 Declaration of Michael Cooper# 4 Certificate of Service) (Cooper, Michael) (Entered: 05/25/2007)
05/25/2007	●32	Notice of Hearing (RE: related document(s)31 Motion to Dismiss/Withdraw Document <i>Involuntary Petitions</i> Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Exhibit A# (2) Declaration of Richard Hatfield# (3) Declaration of Michael Cooper# (4) Certificate of Service) (Cooper, Michael)). Hearing scheduled for 6/22/2007 at 10:30 AM at San Francisco Courtroom 23 - Carlson. Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Certificate of Service) (Cooper, Michael) (Entered: 05/25/2007)
05/26/2007	●33	Motion To Terminate Suspension of Case Filed by Creditor Jennifer M. Moore (Attachments: # 1 Memorandum of Points and Authorities # 2 Declaration) (Seymour, James) (Entered: 05/26/2007)
05/26/2007	●34	Notice of Hearing Motion to Terminate Suspension of Case (RE: related document(s)33 Motion To Terminate Suspension of Case Filed by Creditor Jennifer M. Moore (Attachments: # (1) Memorandum of Points and Authorities # (2) Declaration) (Seymour, James)). Hearing scheduled for 6/22/2007 at 10:30 AM at San Francisco Courtroom 23 - Carlson. Filed by Creditor Jennifer M. Moore (Seymour, James) (Entered: 05/26/2007)
06/08/2007	●35	Brief/Memorandum in Opposition to Motion to Terminate Suspension of Case No. 07-30031 (RE: related document(s)33 Motion Miscellaneous Relief). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Declaration of Richard L. Hatfield# 2 Certificate of Service) (Cooper, Michael) (Entered: 06/08/2007)
06/08/2007	●36	Declaration of Elizabeth Berke-Dreyfuss in Support of (RE: related document(s)35 Opposition Brief/Memorandum,). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Exhibit A# 2 Exhibit B# 3 Exhibit C# 4 Exhibit D# 5 Exhibit E) (Cooper, Michael) (Entered: 06/08/2007)
06/08/2007	●37	Objection to Declaration of James Seymour filed in support of Motion to Terminate Suspension of Case No. 07-30031 (RE: related document(s)33 Motion Miscellaneous Relief). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Certificate of Service) (Cooper, Michael) (Entered: 06/08/2007)
06/14/2007	●38	Document: Errata. (RE: related document(s)35 Opposition Brief/Memorandum,). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Certificate of Service) (Berke-Dreyfuss, Elizabeth) (Entered: 06/14/2007)

06/15/2007	39	Joinder in Involuntary Petition (RE: related document(s) 1 Involuntary Petition (Chapter 7), Involuntary Petition (Chapter 7)). Filed by Creditor Jennifer M. Moore (Seymour, James) (Entered: 06/15/2007)
06/15/2007	40	Joinder in Involuntary Petition (RE: related document(s) 1 Involuntary Petition (Chapter 7), Involuntary Petition (Chapter 7)). Filed by Creditor Carey & Carey (Seymour, James) (Entered: 06/15/2007)
06/15/2007	41	Joinder in Involuntary Petition (RE: related document(s) 1 Involuntary Petition (Chapter 7), Involuntary Petition (Chapter 7)). Filed by Creditor Ricardo C. Saria (Seymour, James) (Entered: 06/15/2007)
06/15/2007	42	Brief/Memorandum in Opposition to Motion to Dismiss Involuntary Petitions (RE: related document(s) 31 Motion to Dismiss/Withdraw Document,). Filed by Creditor Jennifer M. Moore (Seymour, James) (Entered: 06/15/2007)
06/15/2007	43	Opposition Declaration of James H. Seymour in in Opposition to Motion to Dismiss Involuntary Petitions of Petitioning Creditors (RE: related document(s) 42 Opposition Brief/Memorandum). Filed by Creditor Jennifer M. Moore (Attachments: # 1 Exhibit Ex A# 2 Exhibit Ex. B# 3 Exhibit Ex. C# 4 Exhibit Ex. D# 5 Exhibit Ex. E# 6 Exhibit Ex. F# 7 Exhibit Ex. G# 8 Exhibit Ex. H) (Seymour, James) (Entered: 06/15/2007)
06/18/2007	44	**CORRECTIVE ENTRY** Court Corrected The Party Roles From "Creditors" To "Petitioning Creditors" and Corrected Their Addresses Per Pdf. (RE: related document(s) 40 Joinder, 39 Joinder, 41 Joinder). (ql,) (Entered: 06/18/2007)
06/19/2007	44	Objection by Petitioning Creditors to Declaration of James H. Seymour in Opposition to Motion to Dismiss Involuntary Petition (RE: related document(s) 42 Opposition Brief/Memorandum, 43 Declaration,). Filed by Petitioning Creditors First Trust Corporation FBO J.D. Erickson, First Trust Corporation FBO Richard L. Spees, George Rnjak (Attachments: # 1 Certificate of Service) (Berke-Dreyfuss, Elizabeth) (Entered: 06/19/2007)
06/22/2007	45	Courtroom Hearing Held (RE: Motion to Dismiss/Withdraw Document - related document(s) 31) (Motion is granted, order to be uploaded.)(gh,) (Entered: 06/22/2007)
06/22/2007	45	Certificate of Service to [Proposed] Order Granting Petitioning Creditors' Motions to Dismiss Involuntary Petitions in Cases Nos. 07-30030 and 07-30031 (Cooper, Michael) (Entered: 06/22/2007)
06/26/2007	46	Order Granting Petitioning Creditors' Motion to Dismiss Involuntary Petition. (Related Doc # 31) (ql,) (Entered: 06/26/2007)
06/28/2007	47	BNC Certificate of Mailing (RE: related document(s) 46 Order on Application to Dismiss/Withdraw Document). Service Date 06/28/2007. (Admin.) (Entered: 06/28/2007)
07/04/2007	48	Notice of Appeal to District Court of Order of Dismissal, Fee Amount \$ 255. (RE: related document(s) 46 Order on Application to Dismiss/Withdraw Document). Appellant Designation due by 7/16/2007. Transmission to District Court due by 8/3/2007. Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James) (Entered: 07/04/2007)
07/04/2007	49	Statement of Election to District Court, Appeal (RE: related document(s) 48 Notice of Appeal, filed by Petitioning Creditor Jennifer M. Moore). Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James) (Entered: 07/04/2007)
07/05/2007	50	Receipt of Appeal Filing Fee. Amount 255.00 from James H. Seymour. Receipt Number 30043563. (ql) (Entered: 07/05/2007)
07/09/2007	50	Courts Certificate of Mailing. Number of notices mailed: 11 (RE: related document(s) 49 Statement of Election on Appeal, 48 Notice of Appeal,). (ql,) (Entered: 07/09/2007)
07/09/2007	51	Transmission of Appeal To District Court . (RE: related document(s) 48 Notice of Appeal, 49 Statement of Election on Appeal). (ql,) Modified on 7/10/2007 (ql,). (Entered: 07/09/2007)
07/10/2007	52	Motion to Pay Attorneys Fees Pursuant to Bky Code Sectin 303(i) Filed by Debtor Richard L. Hatfield (Attachments: # 1 Memorandum of Points and Authorities re Mtn 4 Attys Fees# 2 Declaration of Iain A. Macdonald in Support of Mtn 4 Attys. Fees# 3 Certificate of Service re Mtn 4 Attys Fees) (Macdonald, Iain) (Entered: 07/10/2007)
07/10/2007	53	Notice of Hearing on Mtn for Attys. Fees (RE: related document(s) 52 Motion to Pay Attorneys Fees Pursuant to Bky Code Sectin 303(i) Filed by Debtor Richard L. Hatfield (Attachments: # (1) Memorandum of Points and Authorities re Mtn 4 Attys Fees# (2) Declaration of Iain A. Macdonald in Support of Mtn 4 Attys. Fees# (3) Certificate of Service re Mtn 4 Attys Fees) (Macdonald, Iain)). Hearing scheduled for 8/31/2007 at 09:30 AM at San Francisco Courtroom 23 - Carlson. Filed by Debtor Richard L. Hatfield (Macdonald, Iain) (Entered: 07/10/2007)

07/11/2007		**COURT ENTRY** Called the Attorney's Office and Talked to the Legal Assistant Re The Use of Event Code "Motion To Pay" Instead of "Motion for Compensation". Per the Assistant, The Motion Is To Request For The Permission Of Recouping Payment From The Debtor. (RE: related document(s) <u>52</u> Motion to Pay <i>Attorneys Fees Pursuant to Bky Code Sectin 303(i)</i>). (ql,) (Entered: 07/11/2007)
07/11/2007		Receipt of filing fee for Notice of Appeal(07-30031) [appeal,ntcapl] (255.00). Receipt number 30043563, amount \$ 255.00 (dc) (Entered: 07/11/2007)
07/12/2007	<u>54</u>	Supplemental Document <i>Cert. of Service by Mail</i> in in Support of Mtn For Attys Fees (RE: related document(s) <u>52</u> Motion to Pay,). Filed by Debtor Richard L. Hatfield (Macdonald, Iain) (Entered: 07/12/2007)
07/13/2007	<u>5</u>	**ERROR** Wrong Event Code Selected. Attorney Should Use "Certificate of Service" Under "Misc" and Then Customize the Docket Before It Is Submitted. (RE: related document(s) <u>54</u> Supplemental Document). (ql,) (Entered: 07/13/2007)
07/16/2007	<u>55</u>	Appellant Designation of Contents For Inclusion in Record On Appeal <i>and Statement of Issues On Appeal</i> (RE: related document(s) <u>48</u> Notice of Appeal, filed by Petitioning Creditor Jennifer M. Moore). Appellee designation due by 7/26/2007. Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James) (Entered: 07/16/2007)
07/19/2007	<u>56</u>	Notice of Docketing Record on Appeal to District Court. Case Number: C 07-03715 MMC (RE: related document(s) <u>48</u> Notice of Appeal,). (ql,) (Entered: 07/24/2007)
07/19/2007	<u>57</u>	Notice (Filed By District Court) of Filing Of Bankruptcy Appeal And Order Setting Status Conference. (RE: related document(s) <u>48</u> Notice of Appeal to District Court <i>of Order of Dismissal</i> , Fee Amount \$ 255. (RE: related document(s) <u>46</u> Order on Application to Dismiss/Withdraw Document). Appellant Designation due by 7/16/2007. Transmission to District Court due by 8/3/2007. Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James)). (ql,) (Entered: 07/24/2007)
07/25/2007	<u>58</u>	Transmittal Letter to District Court Re Transmission of "Appellant Designation and Statement of Issues On Appeal". (RE: related document(s) <u>55</u> Appellant Designation and Statement of Issues On Appeal). (ql,) (Entered: 07/25/2007)
08/10/2007	<u>59</u>	Agreed Notice of Continued Hearing (RE: related document(s) <u>53</u> Notice of Hearing <i>on Mtn for Attys. Fees</i> (RE: related document(s) <u>52</u> Motion to Pay <i>Attorneys Fees Pursuant to Bky Code Sectin 303(i)</i>) Filed by Debtor Richard L. Hatfield (Attachments: # (1) Memorandum of Points and Authorities re Mtn 4 Attys Fees# (2) Declaration of Iain A. Macdonald in Support of Mtn 4 Attys. Fees# (3) Certificate of Service re Mtn 4 Attys Fees) (Macdonald, Iain)). Hearing scheduled for 8/31/2007 at 09:30 AM at San Francisco Courtroom 23 - Carlson. Filed by Debtor Richard L. Hatfield (Macdonald, Iain), <u>52</u> Motion to Pay <i>Attorneys Fees Pursuant to Bky Code Sectin 303(i)</i> Filed by Debtor Richard L. Hatfield (Attachments: # (1) Memorandum of Points and Authorities re Mtn 4 Attys Fees# (2) Declaration of Iain A. Macdonald in Support of Mtn 4 Attys. Fees# (3) Certificate of Service re Mtn 4 Attys Fees) (Macdonald, Iain)). Hearing to be held on 9/28/2007 at 9:30 AM San Francisco Courtroom 23 - Carlson for <u>52</u> , Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James) (Entered: 08/10/2007)
08/20/2007	<u>60</u>	Transcript Re: Appeal <i>motion to dismiss</i> (RE: related document(s) <u>48</u> Notice of Appeal,). (Palmer, Susan) (Entered: 08/20/2007)
08/30/2007	<u>61</u>	Certificate of Readiness Re: (RE: related document(s) <u>48</u> Notice of Appeal,). (ql,) (Entered: 08/30/2007)
08/30/2007	<u>62</u>	Transmittal of Record on Appeal to District Court (RE: related document(s) <u>48</u> Notice of Appeal,). (ql,) (Entered: 08/30/2007)
09/14/2007	<u>63</u>	Brief/Memorandum in Opposition to <i>Motion for Attorney Fees</i> (RE: related document(s) <u>52</u> Motion to Pay,). Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James) (Entered: 09/14/2007)
09/15/2007	<u>64</u>	Declaration of James H. Seymour in Opposition of (RE: related document(s) <u>52</u> Motion to Pay,). Filed by Petitioning Creditor Jennifer M. Moore (Attachments: # <u>1</u> Exhibit ExA# <u>2</u> Exhibit ExB# <u>3</u> Exhibit ExD# <u>4</u> Exhibit ExF# <u>5</u> Exhibit ExH# <u>6</u> Exhibit ExI# <u>7</u> Exhibit ExJa# <u>8</u> Exhibit ExJb# <u>9</u> Exhibit ExK# <u>10</u> Exhibit ExC2a# <u>11</u> Exhibit ExC2b# <u>12</u> Exhibit ExE# <u>13</u> Exhibit ExG# <u>14</u> Exhibit ExC1) (Seymour, James) (Entered: 09/15/2007)
09/17/2007	<u>65</u>	Joinder of <i>Carey & Carey In Opposition Memo and Declaration</i> (RE: related document(s) <u>64</u> Declaration,, <u>63</u> Opposition Brief/Memorandum). Filed by Petitioning Creditor Carey & Carey (Seymour, James) (Entered: 09/17/2007)
09/20/2007	<u>66</u>	Joinder by <i>Ricardo Saria in Opposition Memo and Declaration</i> (RE: related document(s) <u>64</u> Declaration,, <u>63</u> Opposition Brief/Memorandum). Filed by Petitioning Creditor Ricardo C. Saria (Seymour, James) (Entered: 09/20/2007)

09/21/2007	<u>67</u>	Reply to <i>Opposition to Motion for Attorney's Fees</i> (RE: related document(s) <u>52</u> Motion to Pay,). Filed by Debtor Richard L. Hatfield (Attachments: # <u>1</u> Exhibit Exh A to Reply Memo. In Support of Motion for Attorney's Fees) (Macdonald, Iain) (Entered: 09/21/2007)
09/21/2007	<u>68</u>	Objection to <i>Decl. of James H. Seymour In Oppos. to Motion for Attorney's Fees</i> (RE: related document(s) <u>52</u> Motion to Pay,). Filed by Debtor Richard L. Hatfield (Macdonald, Iain) (Entered: 09/21/2007)
09/25/2007	<u>71</u>	Notice of Briefing (The Bankruptcy Status Conference Date is Hereby Vacated). (RE: related document(s) <u>48</u> Notice of Appeal to District Court of <i>Order of Dismissal</i> , Fee Amount \$ 255. (RE: related document(s) <u>46</u> Order on Application to Dismiss/Withdraw Document). Appellant Designation due by 7/16/2007. Transmission to District Court due by 8/3/2007. Filed by Petitioning Creditor Jennifer M. Moore (Seymour, James)). (mw,) (Entered: 10/10/2007)
09/28/2007	<u>52</u>	Courtroom Hearing Held (RE: Motion to Pay - related document(s) <u>52</u>) (Movant awarded \$3,000.00. Order to be uploaded.)(gh,) (Entered: 09/28/2007)
10/03/2007	<u>69</u>	Order Awarding Attorney's Fees (Related Doc # <u>52</u>) (mw,) (Entered: 10/03/2007)
10/05/2007	<u>70</u>	BNC Certificate of Mailing (RE: related document(s) <u>69</u> Order on Motion to Pay). Service Date 10/05/2007. (Admin.) (Entered: 10/05/2007)
10/14/2007	<u>72</u>	Notice of Appeal to District Court , Fee Amount \$ 255. (RE: related document(s) <u>69</u> Order on Motion to Pay). Appellant Designation due by 10/24/2007. Transmission to District Court due by 11/13/2007. Filed by Petitioning Creditors Carey & Carey, Jennifer M. Moore, Ricardo C. Saria (Seymour, James) (Entered: 10/14/2007)
10/14/2007	<u>73</u>	Statement of Election to District Court, <i>Appeal</i> (RE: related document(s) <u>72</u> Notice of Appeal, filed by Petitioning Creditor Ricardo C. Saria, Petitioning Creditor Carey & Carey, Petitioning Creditor Jennifer M. Moore). Filed by Petitioning Creditors Carey & Carey, Jennifer M. Moore, Ricardo C. Saria (Seymour, James) (Entered: 10/14/2007)

1 James H. Seymour SBC No. 48651
706 Cowper Street
2 Palo Alto, California 94301
Telephone: (650) 323-7226
3 Counsel for Appellants
Jennifer M. Moore,
4 Carey & Carey A Law Corporation
and Ricardo C. Saria
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6
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8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re

11 ALLIANCE FINANCIAL
CAPITAL HOLDINGS, INC.

12 Alleged Debtor.
13

No. 07-30030 TEC 7

Chapter 7
(Involuntary)

14
15 RICHARD L. HATFIELD,

16
17 Alleged Debtor.
18

No. 07-30031 TEC 7

Chapter 7
(Involuntary)

Date: 28 September 2007
Time: 9:30 a.m.
Courtroom: 23 - Judge Carlson

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20 NOTICE OF APPEAL
21 FROM ORDER AWARDING FEES
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1 Appellants, Jennifer M. Moore, Carey & Carey A Law Corporation, and Ricardo
2 C. Saria, petitioning creditors in case number 07-30031 TEC appeal under 28 U.S.C. sec.
3 158(a) from the order of the Honorable Thomas E. Carlson, United States Bankruptcy
4 Judge awarding attorneys' fees to Richard Hatfield which was entered in this bankruptcy
5 case on the 5th day of October 2007.

6 The names of all parties to the order awarding attorneys' fees from which this appeal is
7 taken and the names, addresses, and telephone numbers of their respective attorneys are
8 as follows:

9 Jennifer M. Moore, Carey & Carey A Law Corporation, and Ricardo C. Saria,
10 each Appellants and Petitioning Creditors - Counsel - James H. Seymour, 706 Cowper
11 Street, Palo Alto, California 94301. Telephone: (650) 323-7226.

12 Richard L. Hatfield, Alleged Debtor - Counsel - Iain A. Macdonald, Law Offices
13 of Macdonald & Associates, 2 Embarcadero Center, Suite 1670, San Francisco, California
14 94111-3930. Telephone: (415) 362-0449.

15 JAMES H. SEYMOUR

16
17 Dated: 14 October 2007

/s/ James H. Seymour
James H. Seymour
Counsel for Appellants
Jennifer M. Moore, Carey & Carey
A Law Corporation, and
Ricardo C. Saria

1 James H. Seymour SBC No. 48651
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Jennifer M. Moore,
4 Carey & Carey A Law Corporation
and Ricardo C. Saria
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6
7

8 UNITED STATES BANKRUPTCY COURT
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re

11 ALLIANCE FINANCIAL
CAPITAL HOLDINGS, INC.

12 Alleged Debtor.
13

No. 07-30030 TEC 7

Chapter 7
(Involuntary)

14
15 RICHARD L. HATFIELD,

16
17 Alleged Debtor.
18

No. 07-30031 TEC 7

Chapter 7
(Involuntary)

Date: 28 September 2007
Time: 9:30 a.m.
Courtroom: 23 - Judge Carlson
19

20
21 ELECTION BY APPELLANTS TO HAVE APPEAL
22 IN CASE NO. 07-30031 HEARD BY DISTRICT COURT
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1 Appellants, Jennifer M. Moore, Carey & Carey A Law Corporation, and Ricardo
2 C. Saria, hereby elect, pursuant to 28 U.S.C. sec. 158(c)(1)(A) and rule 8001(e), F.R.
3 Bankr. Proc., to have their appeal of the order of awarding attorneys' fees to Richard
4 Hatfield in case number 07-30031 TEC heard by the United States District Court for
5 the Northern District of California.

6 JAMES H. SEYMOUR

7
8 Dated: 14 October 2007

9 /s/ James H. Seymour
10 James H. Seymour
11 Counsel for Appellants
12 Jennifer M. Moore, Carey & Carey
13 A Law Corporation, and
14 Ricardo C. Saria
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Entered on Docket

October 03, 2007

GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

MACDONALD & ASSOCIATES.
IAIN A. MACDONALD, SBN 051073
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San Francisco, CA 94111-3930
Telephone: (415) 362-0449
Facsimile: (415) 394-5544

Signed and Filed: October 03, 2007

THOMAS E. CARLSON
U.S. Bankruptcy Judge

Attorneys for Former Alleged Debtor,
RICHARD L. HATFIELD

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re

ALLIANCE FINANCIAL CAPITAL
HOLDINGS, INC.,

Debtor.

Case No. 07-30030-TEC

Chapter 7 (Involuntary)

In re

RICHARD L. HATFIELD,

Debtor.

Case No. 07-30031-TEC

Chapter 7 (Involuntary)

ORDER AWARDING
ATTORNEY'S FEES

The Motion for Attorneys' Fees Pursuant to Bankruptcy Code § 303(i) came on regularly for hearing on September 28, 2007. Iain A. Macdonald, Esq., Macdonald & Associates, appeared on behalf of the former alleged debtor, Richard Hatfield; James H. Seymour, Esq., appeared on behalf of Jennifer M. Moore; no appearance made by Carey & Carey, a Law Corporation, or Ricardo Saria. Based upon the pleadings filed herein, and the argument of counsel, and for the reasons stated on the record in open court, which reasons shall constitute the Court's findings of fact and conclusions of law pursuant to Rule 52 of the Federal Rules of Civil Procedure, made applicable to this proceeding

1 pursuant to Rules 1017(f), 7052, 9014(c) of the Federal Rules of Bankruptcy Procedure, and for
2 good cause shown,

3 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Richard Hatfield, former
4 alleged debtor herein, shall recover the sum of \$3,000 for attorneys' fees from petitioning creditors
5 Jennifer M. Moore, Carey & Carey, a Law Corporation, and Ricardo Saria, pursuant to Bankruptcy
6 Code § 303(i).
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8 **** END OF ORDER ****
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COURT SERVICE LIST

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Iain A. Macdonald, Esq.
Macdonald & Associates
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San Francisco, CA 94111-3930

Office of the U.S. Trustee
Attn: Julie Glosson, Esq.
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James H. Seymour, Esq.
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Robert E. Carey, Esq.
Carey & Carey, a Law Corporation
706 Cowper Street
PO Box 1040
Palo Alto, CA 94302-1040

Ricardo C. Saria
PO Box 1738
Palo Alto, CA 94302

FILED

OCT 16 2007

UNITED STATES BANKRUPTCY COURT
SAN FRANCISCO, CA

E-Filing

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA

In re: Richard L. Hatfield

Case No. 07-30031 TEC

Debtor

Chapter 7

CW

COURT CERTIFICATE OF MAILING

C 07 5373

I, the undersigned, a regularly appointed clerk of the United States Bankruptcy Court for the Northern District of California, at San Francisco, hereby certify:

That I, in the performance of my duties as such clerk, served a copy of **Notice of Appeal and Statement of Election to District Court** the foregoing document by depositing it in the regular United States mail at San Francisco, California on the date shown below, in a sealed envelope bearing the lawful frank of the Bankruptcy Judge, addressed as listed below.

United States Trustee
235 Pine Street #700
San Francisco, CA 94104

United States District Court
450 Golden Gate Avenue
San Francisco, CA 94102-3489

Ian Macdonald
Law Offices of Macdonald and Assoc.
2 Embarcadero Center #1670
San Francisco, CA 94111-3930

James H. Seymour, Esq.
706 Cowper Street
PO Box 1040
Palo Alto, CA 94302-1040

Ricardo C. Saria
PO Box 1738
Palo Alto, CA 94302

DATED: October 16, 2007


Michelle Walker, Deputy Clerk